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9 Attorneys for plaintiff James Roskind

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 James Roskind, an individual,
13
14 Plaintiff,

15 v.

16 Aaron Emigh, an individual; and Radix Labs,
17 LLC, a Nevada limited liability company,
18 Defendants.

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) Case No. CV-S-05-0825-RCJ-RJJ
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19 **Order Re Sale of Assets**

20 This matter came on for hearing on July 21, 2008, to set the terms for the sale of the
21 assets of Radix Labs, LLC ("Radix"). James Roskind appeared through his attorney, Rodney M.
22 Jean of Lionel Sawyer & Collins. Aaron Emigh appeared through his attorney, Brad Johnston of
23 Holland & Hart. The Court, having previously determined that Radix should be dissolved
24 pursuant to NRS 86.495 and its assets sold, with the proceeds of the sale used to pay creditors,
25 and distributed to the members of Radix in accordance with their capital contributions under
26 NRS 86.521, heard argument regarding the terms on which the existing patent and patent
27 applications of Radix should be sold. Good cause appearing, it is hereby:
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2 ORDERED that the existing patent and patent applications of Radix shall be sold at
3 auction in open court at 10:00 a.m. on September 29, 2008. Brokers representing bidders shall
4 identify themselves and the bidders whom they represent to counsel for either of the parties at
5 least two business days prior to the auction. It shall be the obligation of counsel for the
6 respective parties to provide opposing counsel with the identities of the brokers and the bidders
7 whom they represent two business days before the date and hour of the auction. It is further
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9 ORDERED that the patent and patent applications shall be offered for sale in the
10 following order: first, any issued patents, in the order of the dates on which they were issued;
11 second, any patent applications, in the order of the dates on which they were filed with the
12 United States Patent and Trademark Office. It is further

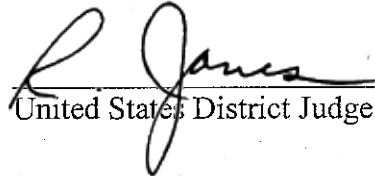
13 ORDERED that Dr. Roskind and Mr. Emigh may advertise the sale using whatever
14 media they choose at their own individual expense. Funds of Radix shall not be used to pay for
15 any such advertising. It is further
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17 ORDERED that there shall be no minimum opening bids, and all overbids shall be in
18 minimum increments of \$5,000; it is further

19 ORDERED that all bids shall be cash bids and bidders must settle payment within five
20 business days after the auction. Dr. Roskind and Mr. Emigh may take amounts to be received as
21 a result of successful bids of third parties into account as part of their bids and apply such
22 amounts towards the purchase price of patent applications on which they have bid; it is further
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2 ORDERED that broker's commissions shall not be considered in determining the amount
3 of a bid and shall not be paid to brokers for unsuccessful bidders. However, broker's
4 commission shall be paid directly out of successful bids to the broker on any successful bids as
5 to which a broker has represented the bidder.

6 Dated: August 13, 2008

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United States District Judge

9 Submitted by:

10 Lionel Sawyer & Collins

11 By 

12 Rodney M. Jean

13 Attorneys for James Roskind

14 Reviewed:

15 Holland & Hart

16 By: /s/ Brad Johnston

17 Attorneys for Aaron Emigh

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